

JOURNAL OF THE HOUSE.

Thursday, June 23, 2005.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, in pausing for a moment of personal reflection and prayer, we recognize Your presence in our midst. We depend upon Your always available assistance in our daily effort to keep our personal goals, priorities and values clearly focused. It is our hope today that the new fiscal year two thousand and six budget for the Commonwealth will address and serve the best interests and the many needs of the people and the Commonwealth. In proposing and evaluating new legislation and public policy, help us to utilize and implement what we have learned from history and past legislative experience. Teach us, in our very diverse communities, to respect the dignity and the rights of all to express freely their views, principles and religious beliefs.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Pledge of
allegiance.*

Messages from the Governor.

A message from His Excellency the Governor submitting recommendations for making certain appropriations for the fiscal year ending June 30, 2006, prior to final action on the General Appropriation Bill for said fiscal year (House, No. 4183) was filed in the office of the Clerk on Wednesday, June 22.

*State funds,
emergency
expenditures.*

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Subsequently Mr. DeLeo of Winthrop, for said committee, on the foregoing message, reported a Bill making certain appropriations for the fiscal year ending June 30, 2006, prior to final action on the General Appropriation Bill for said fiscal year (printed in House, No. 4183). Read and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Scaccia of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Springfield,
finance
control
board.

A message from His Excellency the Governor recommending legislation relative to authorizing indemnification for actions taken pursuant to Chapter 169 of the Acts of 2004 (House, No. 4185) was filed in the office of the Clerk on Wednesday, June 22.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Statement Concerning Representative Kennedy of Brockton.

A statement of Mrs. Harkins of Needham concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

Statement
concerning
Representative
Kennedy of
Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, was not present in the House Chamber for today's sitting due to being under medical care. If he had been present for the taking of the roll call on acceptance of the conference committee on the General Appropriation Bill, he would have voted in the affirmative. Any roll calls that he missed today is due entirely to the reason stated.

Statement Concerning Representative Wolf of Cambridge.

A statement of Mrs. Harkins of Needham concerning Ms. Wolf of Cambridge was spread upon the records of the House, as follows:

Statement
concerning
Representative
Wolf of
Cambridge.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Wolf of Cambridge, was not present in the House Chamber for today's sitting due to a very long standing family commitment. If she had been present for the taking of the roll call on acceptance of the conference committee on the General Appropriation Bill, she would have voted in the affirmative. Any roll calls that she missed today is due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Nick
and Pat
Paganella.

Resolutions (filed by Representatives Blumer of Framingham and Sannicandro of Ashland) congratulating Nick and Pat Paganella on their fiftieth wedding anniversary;

James
Albert
Hohmann.

Resolutions (filed by Mr. Coppola of Foxborough) congratulating James Albert Hohmann on receiving the Eagle Award of the Boy Scouts of America;

Keith
Anthony
Hohmann.

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Keith Anthony Hohmann on receiving the Eagle Award of the Boy Scouts of America;

Brendan
Michael
Valencia.

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Brendan Michael Valencia on receiving the Eagle Award of the Boy Scouts of America;

Mayors
for Peace
initiative.

Resolutions (filed by Mr. Kocot of Northampton and other members of the House) supporting the commencement of negotiations on the elimination of nuclear weapons and supporting the "Mayors for Peace" initiative; and

Resolutions (filed by Representatives Murphy of Burlington and Walrath of Stow) congratulating and recognizing David and Jean Porter on their retirements;

David
and Jean
Porter.

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Costello of Newburyport, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Kocot of Northampton presented a petition (accompanied by bill, House, No. 4186) of Peter V. Kocot and Stanley C. Rosenberg (with the approval of the mayor and city council) relative to establishing the office of finance director in the city of Northampton; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Northampton,
finance
director.

Miss Reinstein of Revere presented a petition (subject to Joint Rule 12) of Kathi-Anne Reinstein and others relative to authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the city of Revere; and the same was referred, under Rule 24, to the committee on Rules.

Revere,
land
conveyance.

Papers from the Senate.

A Bill designating the Massachusetts National Guard Way in the city of Westfield (Senate, No. 1915) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Westfield,
National
Guard Way.

Reports

Of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities in the Commonwealth, severally were spread upon the records of the House, as follows:

Correctional
facilities,
inspection
reports.

Of the Middlesex County House of Correction and Jail, in the town of Billerica; and

Of the Suffolk County Jail, in the city of Boston;

Severally were spread upon the records of the House; and returned to the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2095) of Brian A. Joyce, Walter F. Timilty and Linda Dorcena Forry (by vote of the town) for legislation to change the term of office for the town moderator of the town of Milton. To the committee on Municipalities and Regional Government.

Milton,
town
moderator.

Petition (accompanied by bill, Senate, No. 2093) of Robert A. Havern and William G. Greene, Jr. (by vote of the town) for legislation relative to the town of Billerica EMS; and

Billerica
EMS.

Francis K.
Rayne,
civil
service.

Petition (accompanied by bill, Senate, No. 2094) of Robert A. Havern and William G. Greene, Jr. (by vote of the town) for legislation relative to Francis K. Rayne, civil service exemption;

Severally to the committee on Public Service.

Orders of the Day.

Second
reading
bill.

The House Bill relative to car rental transactions in the city of Revere (House, No. 4180) was read a second time; and it was ordered to a third reading.

Capital
spending
authorizations.

The House Bill relative to certain capital spending authorizations (printed in House, No. 4129) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recesses.

Recesses.

At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Costello of Newburyport (Mr. Petrolati of Ludlow being in the Chair), the House recessed until one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. Spellane of Worcester, until half past one o'clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

Engrossed Bill — Land Taking.

Granby,
covenant
release.

The engrossed Bill partially releasing a non-development covenant restriction on certain land in the town of Granby and authorizing certain agreements for the Daly Memorial Rink in Brighton (see Senate, No. 2038, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),
yea and nay
No. 78.

On the question on passing the bill to be enacted (the Speaker being in the Chair), the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 78 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Report of a Committee.

General
Appropriation
Bill.

Mr. DeLeo of Winthrop, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in

place thereof the text of contained in Senate document numbered 2101) of the House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for the interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001), reported, in part, a Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4200) [Direct Appropriations: \$22,647,398,208; Retained Revenue: \$1,268,747,875; Total Appropriations: \$23,916,146,083].

The Speaker being in the Chair,— Mr. DeLeo of Winthrop moved that the rules be suspended in order that the report of the committee on conference might be considered forthwith.

On the question on suspension of the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 136 members voted in the affirmative and 21 in the negative.

Rules
suspended,
yea and nay
No. 79.

[See Yea and Nay No. 79 in Supplement.]

Therefore the rules were suspended.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call (Mr. Rushing of Boston being in the Chair) 157 members voted in the affirmative and 0 in the negative.

Committee of
conference
report
accepted,
yea and nay
No. 80.

[See Yea and Nay No. 80 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4200), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 34 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bill.

The engrossed Bill authorizing the town of Greenfield to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 3843) (which originated in

Bill
enacted.

the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

In Memory of Mary L. Fonseca.

Mr. Correia of New Bedford then moved that as a mark of respect to the memory of Mary L. Fonseca, a member of the Senate from Fall River from 1953 to 1984, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty minutes after four o'clock P.M., on further motion of Mr. Correia (Mr. Rushing of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.